No. 16,875.

WASHINGTON, D. C., FRIDAY, DECEMBER 7, 1906-TWENTY-FOUR PAGES.

TWO CENTS.

ing October 10 as Mr. Cardozo's friend. He

then related his version of the meeting, which was practically the same as that

given by Mr. Davis. He testified that

members of the board declared at the meeting that it was not necessary to give Mr. Cardozo a trial. In executive session, he said, Cardozo was asked by a member of the board whether he had criticized his superior, Dr. Montgomery, and replied that he had never criticized Dr. Montgomery in a superior of the same trial of the had never criticized Dr. Montgomery in a superior of the same trial of the same tri

mounted the witness stand and told of the

Permission to Withdraw.

"As the matter proceeded," Mr. Davis

continued, "It became apparent that there

was to be no trial, so I asked permission to withdraw. I was careful throughout my

remarks not to enter into the merits of the

case, but merely to speak to the point that

there should be a hearing."

In reply to a question by Mr. McNamara, Mr. Davis said he hadn't been able to hear everything on account of the commotion "at my end of the table, where Dr. Chancellor was seated."

cellor was seated."

It was stated by Mr. Davis that Mrs. Mus

sey asked that the matter go to trial be-cause she knew nothing of the affair, and that she did not participate in the final vote.

Mr. McNamara cross-questioned Mr. Davis on that matter, but no different version of Mrs. Mussey's action was indicated by Mr.

Mr. Cardozo on the Stand.

The next witness to go on the stand was

Mr. Cordozo, who gave his account of as

much of the meeting of October 17 as

he was cognizant of. He told in detail of

meant that a "regular" trial with expert

testimony be held. Mr. Davis replied, according to witness, that he would go into that later, but that a "trial is a trial."

Mr. Cardozo admitted he had said to Dr. Chancellow that he had said to Dr.

Sesion This Afternoon.

The latter asked the witness whether he

had admitted having criticised Dr. Mont-

gomery, and witness said he had denied

at the meeting that he had ever said, "I

never hesitated to criticise the assistant

superintendent. I may in private conversation have criticised him unfavorably as well as favorably."

Mr. A. T. Stewart, director of intermediate

instruction and formerly superintendent of

Prof. Evermann's Testimony.

Prof. Barton W. Evermann was ques-

tioned by Attorney McNamara as to what

occurred at the board meeting in question.

He told of the first recommendation, say-

ing it contained references to disloyalty

and a certain anonymous letter, and then

stated that the charge was withdrawn and

another merely referring to "disloyalty"

He said he asked Cardozo at the meet-

in whether he was one of those employes

of the service who consider they have a

TO LEARN THE FACTS

BE EXAMINED.

Before the new year sets in another im-

portant inquiry will be carried on by the

interstate commerce commission with a

view of finding out if the Harriman rail-

for the restraint of trade. The commis-

sion was first moved to order the investiga-

tion by a number of complaints of various

nature against the Harriman lines. The

hearings will be held at New York, Chicago,

City, Omaha and San Francisco.

St. Louis, Kansas City, Denver, Salt Lake

The formal statement just issued by the

commission shows that the preliminary

steps incidental to the investigation have

already been taken. Attorneys have been

retained and arrangements made for be-ginning the hearings later in the month,

tled. Chairman Knapp estimates it will take at least sixty days to complete the

investigation. The statement is as follows:

The interstate commerce commission has today ordered an investigation of the

Southern Pacific railway systems growing

southern Facilic railway systems growing out of their common management and control. Frank B. Kellogg and C. A. Severance of St. Paul have been retained to take charge of the investigation, which will ex-

tend from New York to San Francisco. A conference was held today between the

commission and counsel, at which the general subject was fully considered, but dates

for hearings and other details have not

CONFESSED MURDER

KILLED DONA GILMAN.

it: I am the murderer of Dona Gilman."

Coolly and without the slightest sign of

emotion or remorse, David Curtis made the

above confession to County Detective Mc-

The confession was made without the

sweating process and was complete in every

be no doubt but that the perpetrator of the

gomery county has been placed within the

The statement of Curtis as given to the

authorities this morning, was as follows:

4 o'clock Friday morning.

grasp of justice.

between the Union Pacific and

the exact date of which has not been set

was substituted.

"He is," Mr. Stewart replied.

After the noon recess Mr. Cardozo was

SIX LIVES LOST AND OTHERS HURT BADLY AT CORNELL

Flames Burn Beautiful Frat House and Kill Students and Firemen.

CRUSHED BY THE WALLS

Some of the Students Show Rare Heroism and Manage to Save Lives.

BEGUN IN THE KITCHEN RANGE

Chi Psi Lodge Was the Handsomest Building of Its Kind in the Country-Home of a Famous Organization.

The famous Fiske mansion, formerly the residence of Prof. Willard Fiske, and later the home of the Chi Psi Fraternity Lodge at Cornell University,, was burned today, with loss of life, and several students and firemen injured. The mansion was the handsomest home of a frat society in the United States. Chief Justice Fuller, former Speaker Reed and many other distinguished men were members of the fraternity. C. J. Bamberger of Salt Lake City and Robert
Turner of Pittsburg were among

jured, two of whom will die, in the burning of the Chi Psi Fraternity Lodge, one of the group of buildings of Cornell University, this marries. Smoke in the District of Columbia, and for other purposes," be, and the same is hereby, amended on from and after the date of the approval of this act, as follows: The will about twenty years ago by Prof. Willard Fiske and his wife. Jannie McGraw Fiske, and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. Willard Fiske and cost over \$200.000. It was built about twenty years ago by Prof. William Years and the profession of the purposes, was a section of the purposes, was a section of the purposes. The date of the purposes are the date of the purposes are the date of the purposes are the date of the purposes. The date of the purposes are the date of the purp this morning. Some of the dead are firemen, who were crushed by the falling walls of the historic old structure and others are was situated on the Cornell campus and was one of the most beautiful buildings in students. The dead so far as known now

Fred Greller, student, Orange, N. J. William Holmes Nichols of Chicago, Ill. a Cornell senior, who was burned to death: body recovered.

Esty J. Landon, forty-five years old, volunteer fireman, foreman of the Empire State Housefurnishing Company; killed by falling wall.

Alfred C. Robinson, thirty years old, attorney and volunteer fireman; killed by falling wall.

John Rumsey, twenty-eight years old, volunteer fireman, son of Charles J. Rumsey of Ithaca; killed by falling wall.

O. L. Schmuck of Hanover, Pa.; died at 9 o'clock, of burns, in the Ithaca city hos-

Schmuck was the victim of his own heroism. McCutcheon was substitute fullback on the Cornell foot ball team, and played a part in the Princeton foot ball game in this

James McCutcheon of Pittsburg, Pa., badly burned; in the Cornell Infirmary; expected to die.

Henry Millo Curry of Pittsburg, Pa., seriously burned; in the Cornell Infirmary. Ithaca City Hospital; suffering from serious

Clarence Pope of East Orange, N. J., in the Cornell Infirmary; painfully burned but

The old mansion, situated on the side of a hill amid the most picturesque surroundings, was ready fuel for the flames. The fire is believed to have had its origin in the kitchen range. It spread with great rapidity up the stairways, mushrooming out on the upper floors and cut off the escape of the students on the second and third

Some Time Before Discovery.

It was some time before the fire was discovered and an alarm had been turned in for the Ithaca volunteer firemen. When they arrived a sheet of flame was shooting upon the college campus, lighting up the surrounding group of buildings so that everything was as well illuminated as if it had been daylight, instead of 4 o'clock in the morning.

Schmuck had already got clear of the building, when he suddenly remembered that he heard nothing of his room-mate. who shared quarters with him on the third floor. He ran back to find him, groping his way through the smoke, and when he reached the third floor the flames burst forth so near him that he was obliged to jump from a window to the ground

He struggled back and managed after great difficulty to reach the third floor. and nearer, and finally burst out directly not in a position to say how many of these dow, but before he discovered one his clothing had caught. When he did find a window and jumped, he fell to the college campus all afire from head to foot and was seriously hurt, in addition to being burned, by his contact with the ground, three stories below. He lay there unconscious until fellow students of his found him and, picking him up, carried him away for medical treatment.

Lanes of Fire.

When the students on the second floor had been aroused by the crackling of the

opened their doors only to discover that the front and rear stairways were lanes of living fire. To attempt escape in that direction would have meant instant death. In this crisis C. J. Bamberger of Salt Lake

City, was one man who kept cool.

Bamberger shared quarters with Robert
Turner of Pittsburg. Bamberger's first
thought on awakening and discovering the conditions of things, was to try the stair-way. He ran to the front and saw that it would be impossible to get down that way, then he hurried to the rear and there saw that matters were no better.

When others thought of jumping to save their lives, Bamberger collected his wits, and, seizing the blankets and sheets from the bed in his room, tore them into strips, which he knotted together, and made a rope which he knotted together, and made a rope long enough and strong enough to reach the ground, when it was extended from a window. One end of the makeshift rope he tied around 'Turner's waist, and, finding that it would stand the strain, lowered him to the surface of the campus. Having rescued his friend, Bamberger then turned his attention to his own safety. He tied his blanket rope to a post of the bed and swung out of the window. Neither he nor Turner were injured, although they had no time to save any of their belongings. On the floor above H. M. Curry of Pittsburg, Clarence Pope of East Orange, N. J., and James Mc-Cutcheon, also of Pittsburg, had their rooms, and they likewise found it impossible to get down by the stairway. Mc-Cutcheon wandered around looking for a method of escape and in doing so was overcome.

overcome.
Curry and Pope remained with McCutcheon while the flames gained rapidly on him and finally burst through the room. At this juncture Curry and Pope were driven from their posts and jumped. Both of them were burned and injured in their fall.

Rescued Fellow Student.

By this time scores of half-clad students from the other fraternity houses had flock- will bring the railroad locomotives within ed to the spot and they cared for Pope and Curry. One of them, a man named Goodspeed, learning that McCutcheon was unconscious on the third floor, climbed up the front of the building and finding him there farland in view of the expressed unwillingat great risk of his own life managed to

escue him. The Ithaca firemen who were killed were all members of the Automobile Company No. 6. They were playing a stream on the flames and were doing what they could to check the progress of the fire, when suddenly before they had any warning of the danger the north wall fell with a crash, burying the men who are dead.

Fraternity. The fraternity hall was totally destroyed. The students lost all their belongings. The Chi Psi college fraternity was founded at Union College, Schenectady, N. Y., in

Chapters were established in fourteen other colleges before the civil war, and about a dozen more have been founded since. It is considered one of the most con-servative of college fraternities. Its badge or "pin" is a monogram formed by plac-ing the Greek letter Chi over the Greek letthe heroes which the fire developed.

States Supreme Court, United States Senator Thomas M. Palmer, former Postmaster General Don M. Dickinson, Stephen H. Tyng, jr.; Eldridge T. Gerry and William

Fiske, and cost over \$200,000. It was never occupied by the Fiskes and about fifteen years ago, after the death of Mrs. Fiske, it was bought by the Chi Psi fraternity. It

LEGISLATIVE BILL REPORTED BY COMMITTEE.

The legislative, executive and judicial appropriation bill was reported to the House today from the committee on appropriations by Representative Bingham of Philadelphia, chairman of the sub-committee which prepared the measure.

The bill as reported carries \$30,529,683.90. a reduction of \$685.842 under the estimates The appropriations for the same purpose for the current fiscal year, including \$448. 066 carried in the sundry civil, deficiency or other acts, aggregated \$30,168,485.30, or \$361,198.50 less than is recommended in the bill for the fiscal year 1908.

The whole number of employes specifi cally provided for in the bill is 14,727, or 202 less than the number estimated for, it is being done. We have the published and 29 more than the number provided for in the law for the current year.

The committee shows its confidence the public printer and approval of his done in this way is well summed up by course by giving him an increase of salary from \$4,500 to \$6,000 a year. Some of the other changes and a number of the limitation of other changes and a number of the limi-

tations are of general interest.

Limitations with respect to the appropriations made in the bill and not heretofore imposed are recommended as follows "Hereafter in printing documents au-thorized by law or ordered by Congress or either branch thereof the government print-ing office shall follow the rules of orthography established by Webster's or other generally accepted dictionaries of the Eng-lish language."

The bill carries a number of increases of salaries in various departments of the government, provides many new clerkships and makes some transfers of clerical forces among the several bureaus.

JAPANESE NOT UNREASONABLE. They Only Want What They Deem

Fair Play. SAN FRANCISCO, December 7 .- In an interview published in the Call today bearing on the recommendations made in his message by President Roosevelt on Japanese naturalization and on the segregation of their children in schools, Gen. K. Uyeno, the

consul for Japan here, says: "Sentiment is practically universal among the 10,000 Japanese in San Francisco that the recommendations made by the President constitute the most rational solution of American-Japanese problems yet attempted. Commissioners sent an explanatory letter to Chairman Babcock of the District commessage, but they regard it as one of the most noteworthy documents on international questions that has been issued from the

White House. "There is no question but that the bonds between Japan and the United States would be considerably strengthened by conferring the privilege of franchise on the Japanese in calling to his room mate as he went. All California. There are some fifty odd thouthis time the flames roared nearer sand Japanese in the state, and while I am of this legislation. behind him. Schmuck searched for a win- would take advantage of naturalization privileges, I do think that the number would be comparatively large, I think this would be especially so in the case of the Japanese

in San Francisco.
"Many Japanese have family and prop erty interests in this city and they would naturally regard San Francisco as their permanent home once they believed they the same privileges as other aliens.

"Concerning the school segregation ques-tion a lot is being written and talked about it that is due to a misconception of the facts in the case. I think that the entire matter will be solved satisfactorily and that there is no occasion for believing otherwise. The Japanese are not striving for anything unrea-sonable and are quite willing to let the facts flames and the heavy volume of smoke in the dispute guide whatever decision is to

Amendment to the Law.

Use of Electric Engines to Be Enforced by Legislation.

MOVING TRAINS IN DISTRICT

Cities Named Where Regulation is in Force-An Explanatory Letter.

As a means of compelling the various railroad companies which will use the new union station to substitute electric motors for the ordinary locomotives, with a view of eliminating the smoke and gas nulsance, the Commissioners sent to Congress today the draft of a bill the provisions of which the District smoke law.

This substitution was recommended by the Commissioners in their annual report upon the motion of Commissioner Macness of the Pennsylvania and the Baltimore and Ohio railroads to use smokeless motors. When the Commissioners learned last week that these railroads did not favor this substitution they at once determined that the wishes of the public of Washington should be adhered to and took steps to compel the railroads to toe the mark. Heretofere the District smoke law, which has been looked upon by many as a particularly stringent one, exempted railroad ocomotives, but when the unwillingness of these railroads was learned the Commissioners decided that the law should be amended so as to include them. By the enactment of this amendment the railroads will have to substitute electric motors to bring their trains within the District, or else be subjected to repeated prosecutions in the Police Court for violations of the smoke law.

Text of Amendment. The amendment as drafted at the direction of Commissioner Macfarland is as

"That the act of Congress approved the econd day of February, in the year 1899, entitled 'An act for the prevention of smoke in the District of Columbia, and for engines' are hereby inserted next after the word 'engine' in said section 1. That the following words, viz.: 'That the owner, lessee, person or corporation in possession, or the agent having control of any locomotive or movable engine, and be, and the same are hereby, inserted at the beginning of section 2 of said act hereby amended; SENT TO THE HOUSE of section 2 of said act never said section be, and the said word is hereby, stricken therefrom; provided, that, except as modified by this amendatory act, all the provisions of said act entitled 'An act for the prevention of smoke in the District of Columbia, and for other purposes, shall remain and continue in full force and with like effect as if hereinafter re-enacted at

Mr. Macfarland's Comment. In speaking of the matter today, Com-

nissioner Macfarland said:
"It is to be hoped and expected that Congress will grant the request of the community and abolish the railroad-smoke nuisance. It was disappointing that the railroads themselves did not seize the opportunity suggested by the Commissioners' equest, and make the best possible cele bration of the completion of the great ter-minal and opening of the finest union sta-tion in the world, by substituting volun-tarily smokeless motors. But Congress can, of course, compel them to do so. The plea that it is impracticable to substitute electric motors is contradicted by the fact that statements of the railroads themselves as to work of this sort which is being done at home and abroad in the current number of the Review of Reviews. What is being as actually completed or in process of con-struction the electrification stretches of track and terminals much longer and more difficult than anything required here. It would be much easier for the railroads to electrify their roads so as to have smokeless motors into Washington, from Baltimore on the north and Alexandria on the south, than to do almost any of the other things which they are already doing in

Railways Mentioned.

In his article Mr. Maver mentions among others: Northeastern railway of England, 57 miles of track; Lancashire and Yorkshire railway, 23 miles of track-page

Italian and Mediterranean railway, 47 miles of track; West Jersey and Seashore branch, Pennsylvania railroad, Camden to Atlantic City, 65 miles double-track road; Long Island rallroad, five suburban branches from the Long Island City tersuburban minal, total, 80 miles of road, and three branches from the Flatbush avenue station, Brooklyn, about 45 miles of railroad-

page 714. New York Central—from the grand central station to High bridge, 7 miles; from the grand central station to Wakefield, 13 miles; ultimately to Croton or Peekskill, on the Hudson river division, 34 miles, and to North White Plains, on the Harlem di-

Accompanying the draft of the bill the mittee of the House. In this letter the Commissioners stated that they believe that the smoke nulsance now largely due to the smoke-emitting locomotives of these railroads, is a serious disadvantage to the railroads, is a serious disadvantage to the national capital and that it will not only continue to affect its general comfort and beauty, but will seriously disfigure the public buildings, including the Capitol and the offices of the Senate and the House of Representatives. They concluded the communication by asking for the early enactment of this legislation.

Four Killed by Negroes.

GREENVILLE, Miss., December 7 .- Four persons were shot and killed and three others were wounded today by a negro man. The man first killed a negro woman in a boarding house. He probably fatally wounded Policeman Kofler, and then barricaded himself in a house. In an attempt made to arrest him he killed two more negroes and one white man and wounded Capt. Quinn and Assistant Clerk Aber-

The negro was captured soon after. Much

FIVE AMERICANS KILLED IN THE LEYTE FIGHT.

MANILA, December 7.-Later reports of the fighting in the Island of Leyte December 5 show that Capt. Samuel V. Ham, with a detachment of Company L of the APPLIES TO THE RAILROADS 8th Infantry and a force of constabulary under Lieut. Ralph P. Yates, jr., were rushed by sixty bolomen four miles from La Paz on the Taragona trail during the afternoon of that day. The Pulajanes had a few guns, fired a volley and then made a rush upon the American force. Five Americans were killed and nine were wounded. The enemy lost thirty men killed. The number of Pulajanes wounded and captured is not known. A detachment has started in pursuit of the insurgents. The telegraph line between Tachblan and Iloilo is down and no further details are The list of the American dead is as fol-

Sergt. Joseph Clark, died of a bolo wound. Sergt. James Prover, killed with a bolo.

Private William Dufferin, killed with a

Private W. Hadley, gunshot. . Private Edward Keogh, gunshot. The Americans wounded were Corporal Weld, Private McHenry, Private Edge and Private Wakefield, all severely wounded, and Privates Armstrong, Brennan, Herron,

Holst and Richardson, slightly wounded.

The dead were buried on the battlefield during the night of December 5. All the wounded are doing well. The wound of Lieut. Yates, which at first was reported to be slight, is now said to be

No report has been received of any further losses among the constabulary.

LAPPONI IS DEAD

POPE SENT HIM THE APOSTOLIC BENEDICTION.

ROME, December 7.-Dr. Lapponi physician to the pope, died at 7 o'clock this morning. He had been ill for some time of cancer of the stomach, and, pneumonia setting in, he could not in his weakened condition withstand its ravages.

When Dr. Lapponi was sinking the pope sent him the apostolic benediction, and when the news of the death of the doctor reached the pontiff he was exceedingly It is reported that before losing con-

sciousness Dr. Lapponi, referring to the "He has a strong constitution and, having studied him carefully, I think he will live longer than Leo XIII." The deceased physician was very popular

FOUR WERE KILLED



LEWISTON, Me., December 7 .- Four people were tilled and three others seri-ously injure. In a head-on collision be-tween a special and a regular freight train on the Maine Central railroad near the small station of Annabessacook late last night. The wreck was said to be due to a misunderstanding of orders. Both trains were going so tast when they met that eight of the tnirteen cars of the special were hurled over the engine and demolished with the greater part of the contents. The track was blocked for hours.

The dead are: Fireman Hodges of the special. Engineer Forrest Fletcher of the regular

Engineer Harriman of the special. Brakeman Rowe of Lewiston. The injured: Fireman Charles F. Freeman of the regu-

ar train, sustained compound fracture of arm, which may have to be amputated a shoulder. Two brakemen badly cut about the head and sustained severe scalds and burns,

GILLETTE IS COOL.

Says He Has No Idea of Committing Saicide. Special Dispatch to The Star. HERKIMER, December 7 .- Chester Gil-

lette, awaiting sentence of death on Monday for the murder of Grace Brown, assured Under Sheriff Klock and Turnkey Evans today that they need have no fear that he will attempt suicide, and that precautions against such an attempt were needless. A guard is kept constantly at his side in the corridor and at night there are two officers on guard.

The guards do not enter Gillette's cell except to perform some duty or at the retheir company, and frequently plays cards with them. Today Under Sheriff Klock played several games of "seven-up" with him.

The story of Gillette's alleged confession to a visitor, said to have been overheard in the jail by Sheriff Richards and Turnkey Evans, to the effect that when Grace Brown came up beside the boat in the waters of South bay he struck her on the head with his tennis racquet, has not yet been absolutely confirmed, but one of the sherday that the story was true, and that the sheriff had stated that the thing occurred substantially as reported. It is reported that one of the grounds upon which counsel for Gillette will seek to have the verdict set aside has to do with

his wife during the trial. It is said that she wrote that if he did not vote to convict the defendant she would never speak to him again, and that the juryman said in his letter in reply that he could gladly strangle Gillette in the court room. None of the of-ficers know of any such letter, although they say that this juryman and one other received many letters during the trial.

Advertisements for Tomorrow.

Owing to pressure on The Star's columns advertisers are requested to hand in their advertisements as early as possible this evening or Saturday morning to insure insertion and proper classification in Saturday's Star.

Advertisements for Sunday. Next Sunday's Star will have more readers than any other Washington Sunday paper; far more in the District of Columbia than any other paper, and more in regular subscribers to whom the paper is delivered by carriers

Advertisements for The Sunday Star should be sent in as early as

than the other Sunday papers

SMOKE BOLOED THE TROOPS PETITION OF CARDOZO

SCHOOL OFFICIALS PRESENT

Attorney Henry E. Davis Among Those Who Testified.

stitution of Charges-Version of Interviews.

nection with the hearing before Justice Anderson on the petition of F. L. Cardozo board of education to reinstate him as

dozo was dismissed. Mr. Davis is attorney for Mr. Cardozo and Mr. Cobb was the friend who was pres-

court room was crowded all morning with witnesses and interested spectators. Assistant United States Attorney Stuart Mc-Namara, special counsel for the board of education, appeared on behalf of that body. The point involved is conceded by the attorneys for both sides to be a legal one, and to hinge on the question of whether or not under the law the board of education had a right to dismiss Cardozo in the manner followed.

in evidence rule 23 of the board, which, he said, was in effect when F. L. Cardozo was appointed to a position in the schools, from which he was dismissed; October 17 in Rome among the clericals as well as last. The rule provides: "All appointments with the anti-clericals. after made shall in the first instance be for one year, at the expiration of which time. one year, at the expiration of the stuart replied that the controller of the if satisfactory, they may be appointed to treasury had construed the law to that efcontinue during good behavior and efficlency, unless otherwise ordered by the board of education; any such officer, teacher or employe may at any time be assigned or transferred by the board of edueation to any schools, group or grade, or may be removed at any time by the board for incompetency or such other cause as may in the judgment of the board be deem-

A copy of a letter to Mr. Cardozo announcing that he had been "appointed and continued" September 4, 1906, in the position of superivising principal was offered.

Mr. McNamara responded on behalf of the by Mr. Cardozo in traversing the first reportions of the school rules and records in officer and not a teacher. After denying attorney for the board took up the question of the board's action in dismissing F. L. Cardozo. He held that Cardozo was given a trial, and had counsel and a friend

Nature of the Trial.

"Of course," Mr. McNamara said, "it was not such a trial as your honor has here every day, but I will show that it was a trial within the meaning of the law, and the only kind that could have been held." Mr. Davis addressed the court in reply to Mr. McNamara for the purpose of outlining what his side expected to show in its traverse. He declared Cardozo was ac-cused by the superintendent of writing an anonymous 'etter criticising the colored assistant superintendent of schools, but that he, Mr. Davis, had never been able to find and had never seen any such letter. He gave his version of the meeting of the board of October 17, concerning the dismissal of Cardozo. Mr. Davis said he had demanded that a hearing be had, and had stated that at that time he did not wish to enter into the merits of the case. He told of the alleged withdrawal of the anony mous letter from before the board and said Superintendent Chancellor put the charge in his pocket and held it to be his personal property. Mr. Davis held that the charge was a part of the record of the board.

alleged substitution of charges. The merely of disloyalty to superiors, was related by Mr. Davis, who then said that the board "persisted in its attitude" and proeded to dismiss Cardozo, after denying further hearing to Mr. Davis or Cardozo, or his friend, James A. Cobb, who was present. When the new charges were substituted,

Mr. Davis declared, neither Mr. Cardozo, Mr. Davis nor Mr. Cobb were present. Nor were they present when the final action was taken," Mr. Davis added.
"I hold." he continued, "that this man was being investigated, which investiga-tion crystalized into a recommendation of the superintendent upon which the board of education acted, without a shred of testimony. That is what I base by position on, and that is why I hold that the dismissal of Cardozo was contrary to the act which guarantees a trial, with counsel and

Upon request of the court Mr. Davis read Cardozo's version of the interviews between nimself, the superintendent of schools and nembers of the board of education in the superintendent's office before his dismissal. The statement alleges that Superintendent Chancellor showed him an anonymous letter, written with a pencil, addressed to a local newspaper, and said "it is up to you to prove that you did not write this letter," meaning Mr. Cardozo. The statement also alleges that the superintendent grew angry when mention of counsel was made, and said he did not propose to have the schools run by "doctors and lawyers." The superintendent then announced his intention, it is alleged, of recommending Mr. Cardozo's dismissal to the board that after-

"I'll put it up to the board." the superin Mr. George E. Ballinger, who took sten-ographic notes of the meeting October 17, was called to the stand. He said his notes were only partly transcribed, and he could not read his notes fluently. He was ex-

Testimony of Mr. Cobb.

testified that he was present at the meet-

Hearing of Mandamus Case by Justice Anderson.

DISCUSSION OF LEGAL POINT

Rule Offered in Evidence-As to Sub-

Attorney Henry E. Davis, James A Cobb and F. L. Cardozo testified in Circuit Court No. 1 this morning in confor a writ of mandamus to compel the supervising principal of the thirteenth division of the local public schools. Each related what happened at the meeting of the board October 17 last, when Mr. Car-

ent at the meeting. Terrell and others as to whether Mr. Davis

The hearing began at 10 o'clock and the

The school officials who were present were Admiral Baird, president of the board of education; Mrs. Ellen Spencer Mussey, Mr. W. V. Cox, Prof. Barton, W. Evermann, Mr. James F. Oyster and Mrs. Mary Church Terrell, members of the board; Secretary Connor of the board and Mr. A. T. Stuart, director of intermediate instruction in the public schools.

Preliminary Step. As a preliminary step Mr. Davis offered

Substitution of Charges.

one friend present, to school employes. Cardozo's Version of Interviews.

Weather.

Fair tonight and tomorrow; colder tonight, minimum temperature about 20 degrees.

WANT TO RE-ENLIST

Arrival of Two Discharged Colored Infantrymen.

gomery in a way that would be detrimental to the school system. Mr. Cobb said that Prof. Evermann announced himself ready to vote on Mr. Cardozo's own "admission." After Mr. McNamara had cross-questioned the witness Mr. Davis himself mounted the witness stand and told of the ASSERT THEIR INNOCENCE

Know of No Silence Conspiracy Among Their Comrades.

mounted the witness stand and told of the circumstances connected with the case October 17. During the consideration of the question by the board, Mr. Davis remarked, Superintendent Chancellor was very much irritated.

"And but for my uniform good nature he would have been irritating," declared Mr. Davis. WILL SEE SECRETARY TAFT

> Gilchrist Stewart Asserts That He Cam Prove the War Department Officials All Wrong.

Two of the members of the 25th Infantry who were discharged without honor because they happened to be at Brownsville, Tex., at the time of the alleged affray, August 13 last, are in this city for the purpose of asking the military authorities to give them an opportunity of showing their innocence of any misconduct and to permit their re-enlistment in the army. These men are First Sergeant Mingo Sanders of Company B and Private Elmer Brown of the

same company. Each has made formal application to the Secretary of War for permission to re-enlist in the army. They are acting indequestions said to have been asked by Mrs. pendently, and in making their application claim that their previous service in the army has been "honest and faithful," which is an essential requirement in all cases of re-enlistments. (They applied directly to the Secretary of War instead of to the reg-ular recruiting office for the reason that in no other way can their present disabilities

Made a Soldierly Appearance.

Mr. Cardozo admitted he had said to Dr. Chancellor that he may have criticised Dr. Montgomery, assistant superintendent for the colored schools, but said he had remarked at the time that criticism may be favorable or unfavorable, and he wanted opportunity at a regular trial to establish just what the nature of his criticism had Sergeant Sanders called at the War Department yesterday afternoon and asked the privilege of laying his case before Secretary Taft. The Secretary was busy at the time, but said he would try to see him this morning. Accordingly, Sergeant Sanexamined by the attorney for the board. ders appeared at the department again this morning. But this time he was accompanied by Private Brown, whose errand was practically the same as his own. Both men were in full uniform and made a striking appearance, owing to their good physique

and straight soldierly bearing. That they are true and tried soldiers was shown by the service stripes on their sleeves. Sergeant Sanders displayed six schools, was called as a witness by Mr. McNamara, who asked him whether a supervising principal was regarded as an ofstripes on his sleeve. In other words, San-ders has already rendered twenty-six years faithful service in the army and in four years would be eligible for retirement on When asked by Mr. Davis how such an understanding of the law was reached, Mr. Stuart replied that the controller of the

three-quarters pay. Brown has had sixteen ears' continuous service. Both soldiers maintained a dignified silence regarding their cases, and seclined to say anything for publication at this time. From their friends it is learned that both of them were asleep in their bunks at the post at the time of the alleged midnight raid, and have absolutely no knowledge of the affair, or of the identification of the article of the arti tity of the participants. They soth court the fullest investigation of their military record, and of their conduct during the en-tire time the battalion to which they were attached was stationed at Brownsville

among the members and each declared his willingness to assist the authorities in any way in his power to ascertain the facts and right to criticise their superiors. His reply, according to Prof. Evermann, was such that he, Prof. Evermann, was such at his "admission."

Way in his power to accream the superiors, way in his power to accream the superiors. Secretary Taft was busy on his annual report at his house all the forenoon, and from there went to the White House to attend the cabinet meeting. The soldiers therefore were unable to see him this morn-took by Mr. Carpenter. ing. They were told by Mr. Carpenter, Secretary Taft's private secretary, that he

Both denied knowledge of any conspiracy

would see the Secretary this afternoon and make an appointment for them to see him RELATIONS OF PACIFIC ROADS TO in a day or two.

What Gilchrist Stewart Claims. It seems that Mr. Gilchrist Stewart, who went to Fort Reno to investigate the Brownsville affair on behalf of the Constitutional League of New York, and who was expected to come here to give the President the result of his investigation, has gone to road system is a combination organized New York instead to confer with his associates before taking further steps in the

matter. Mr. Stewart made an address at a meet-Mr. Stewart made an address at a meet-ing in St. Mark's Church in New York last night in regard to the matter, in the course of which he claimed that ne had evidence to prove that the men who did the shooting in Brownsville were white men, and not negroes, and he declared that the officers who found exploded shells which they claimed had been picked up by citizens in the street erred in their characterization. He claimed that only four men of the battalion were out of their quarters the night of the shooting, and also said he was able to prove by reputable citizens of Brownsville that the officers who reported on the case were prejudiced

against the negro soldiers. Major Blocksom Here.

Maj. A. P. Blocksom of the inspector general's department, one of the officers who investigated the Brownsville affair. has arrived in this city from his station at Oklahoma City, in response to a summons, and, with Inspector General Garlington, has been in conference with Secretary Taft relative to the character of the answer to be submitted to the Senate resolutions in regard to the discharge of the colored battallon. These resolutions have been received, and were discussed at

the meeting of the cabinet today. FIRE ON THE RIP RAPS.

DAVE CURTIS ADMITS THAT HE Major Strong Organizes a Bucket Brigade 100 Men Strong. Special Dispatch to The Star.

NEWPORT NEWS, /a., December 7 .- Fire was discovered in Fort Wool, commonly DAYTON, Ohio, December 7.-"Yes, I did known 'as Rip Raps and located in the lower Chesapeake bay just a short distance off Old Point, today about 12:30 o'clock. As there is no communication whatever hetween the fort and the shore except by Bride, Coroner Kline, Detective Coleman of boat there was considerable excitement the Pinkerton agency and Prosecuting At- caused. Colonel Harrison, commandant of torney Nevin in the office of the latter at Fort Monroe, and Major Strong organized a bucket brigade of about a hundred men from the fort and went to the assistance of those on the island They boarded the detail, satisfying the officers that there can army tug Reno and were landed within a few minutes after the fire was discovered most flendish crime in the history of Mont- from the shore. The extent of the fire is

not known on shore at this time. One of the oldest buildings on the island is seen to be in flames and seems doomed to destruction. The firemen are endeavor-"On the evening of November 20 I ate supper in the Cadillac restaurant on 5th street near Brown. Just as I came out I saw Dona Gilman waiting for her car, and I also boarded the westbound 5th street car. At National and Groveland avenues I alighted. Shortly after the car had started up the hill, and as she took the west side of the street, I followed up the hill on the east side. I then committed the assault."